Replacement of Accidentally Destroyed Dwellings

Assistance Bulletin

#47

Revised March 2015

WWW.SNOCO.ORG　　　　**Keyword: Assistance Bulletins**

This Assistance Bulletin only applies to property within unincorporated Snohomish County and does not apply to property within incorporated city limits.

Q: What if my house is accidentally destroyed by fire, wind or other catastrophic event? Can I rebuild?

A: In the vast majority of cases, the answer is yes. The new "replacement" residence will be required to be constructed to code requirements in effect at the time of replacement. If your lot utilizes a septic tank and drainfield for sewage disposal, you also need to check with the Snohomish Health District for requirements. The Snohomish Health District is located at 3020 Rucker Avenue in downtown Everett, (425) 339-5250.

Q: What if my lot does not meet the current zoning lot area requirements or does not meet current setback requirements?

A: In some cases, there can be some issues to deal with. Here is what you need to be aware of:

- **Substandard lots.** This is a legally created lot (see Bulletin No. 24) that met zoning and lot area requirements when the lot was created but no longer meets the lot area requirements for the area where the lot is located due to zoning changes. The lot is eligible for a building permit for the replacement residence. See County Code Section SCC 30.23.240 for information regarding residential use of substandard lots.

  Additionally, substandard lots should not be confused with subdivisions approved utilizing "Lot Size Averaging" code provisions OR Planned Residential Development (PRD) standards. Subdivisions approved with "lot size averaging" or "PRD" standards will have legal lots with lot areas of some lots containing less than the standard zoning lot area requirements.

- **Nonconforming structures.** This is a structure that does not meet the current setback requirements from the front, side or rear property lines. Generally, this will be a situation where the structure was built prior to 1957 when there were no County zoning or setback requirements in effect. If the restoration costs exceed 75% of the assessed valuation, the structure is considered destroyed and the replacement structure will need to be rebuilt in compliance with the current setback requirements. If the restoration costs do not exceed 75% of the assessed valuation, the structure can be repaired in the same location. To restore a destroyed nonconforming structure, a building permit application must be submitted to Planning and Development Services within one year of the destruction. See County Code Section SCC 30.28.070 for specific code language.

This bulletin is intended only as an information guide. The information may not be complete and is subject to change. For complete legal information, refer to Snohomish County Code.

- **Nonconforming uses.** This is a structure that due to zone changes, is no longer allowed in that particular zone classification. For example, some areas in the Paine Field Airport area were residentially zoned years ago and developed with residences. In recent years, some of these areas were rezoned to industrial zones. The industrial zones do not allow residential dwellings and therefore, the existing residences in those re-zoned areas became nonconforming uses. In the event a nonconforming use residence is destroyed, the residence can be replaced PROVIDED the building permit application is submitted to Planning and Development Services within one year from the date of destruction of the dwelling. See County Code Section SCC 30.28.072 and 30.28.075 for specific code information.

- **Dwellings in a Flood Hazard Area.** The rebuilding of a structure that is located in a flood hazard area will be subject to the issuance of a flood hazard permit. See Bulletin No. 42 and County Code Chapter 30.43C for specific code language.